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EXAMINER

CHIANG, JACK

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Please find below and/or attached an Office communication concerning this application or proceeding.

### CLAIMS

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 rejected under 35 U.S.C. 103(a) as being unpatentable over Camprasse (FR002766605A1) in view of Carpenter (US 6205222).

Regarding claim 1, Camprasse shows:

A phone (page 3, claim 1);

A casing (1);

A fixing clip (11);

The casing (1) is made of elastomer (rubber, see English translation), the bottom, lateral, rear and top sides form a chamber (see fig. 1);

The clip (11) is an elastic arched member, one end connected to the casing (1) and the other end is used for clipping onto an object.

Camprasse differs from the claimed invention in that it does not explicitly mention that the other end of the clip is bent inwardly.

However, it is notoriously well that clip is bent inwardly in order to have a solid grip when the clip is clipped onto an object. This is shown by Carpenter, see clip 44 in Carpenter's fig. 4.

Hence, if it is found that Camprasse's clip is not bent inwardly, then it would have been obvious for one skilled in the art to modify Camprasse's clip with an inwardly bent end

with/without the teaching of Carpenter, because such design of the clip is a notorious well known feature in order to provide a solid grip when the clip is clipped onto an object (see also col. 5, lines 59-65 in Carpenter).

Regarding claim 2, the combination of Camprasse and Carpenter shows:

The rubber (see English translation in Camprasse);

The bottom side (6, 12) is curved upward,

The lateral sides having two bevel edges (see 1 in fig. 3);

The top side having a clamping portion bending downward (see 3, 5);

The clip and its ribs (44, 53 in Carpenter).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Camprasse and Carpenter in view of Goldenberg et al. (US 5697538).

Regarding claims 3-4, the combination of Camprasse shows the casing and the clip (1, 11).

The combination differs from the claimed invention in that it does not mention that the casing and the clip are integrally formed.

However, it is commonly seen that casing and its clip are integrally formed, this is shown by Goldenberg, such as the integral casing and clip (10, 56).

Hence, if it is found that the casing and the clip are not integrally formed in the combination, then, it would have been obvious for one skilled in the art to integrally form the casing and the clip, this simply can be considered as variation of the combination,

because the basic concept of provided the casing and the clip is substantially unchanged, see also *In re Larson* 144 USPQ 347 (CCPA 1965); *Nerwin v. Erlichman* 168 USPQ 177.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Camprasse and Carpenter in view of Kato (JP408288989A).

Regarding claims 4-5, the combination of Camprasse shows the holder and the clip. The combination differs from the claimed invention in that it does not show a metallic piece in the case, such as a u-shape with two ends are connected with a rivet.

However, Kato shows a metallic piece (203) imbedded in the casing (107).

Hence, it would have been obvious for one skilled in the art to modify the combination by imbedding a metallic piece in the casing as taught by Kato, the modification would reenforce the holding function between the casing and phone as taught by Kato.


Further, from various shapes disclosed in the *present* application, such as figs. 5 and 8, it can be seen that there is no teaching of criticality for one shape (30 in fig. 5) over another (30 in fig. 8). Therefore, the u-shaped metallic piece can be considered as a personal design preference and is obvious for one skilled in the art as long as such metallic piece is an reenforcement of the holding function.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728.

The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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